

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

RICHARD O'CONNELL

Plaintiff

v.

**RTAS TRANSPORT, L.L.C. AND
LIONEL SIMMS**

Defendants

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CIVIL ACTION NO. 2:17-cv-00173

DEFENDANT LIONEL SIMMS' ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant, LIONEL SIMMS and files this, his Original Answer to Plaintiffs' Original Complaint and would show the Court as follows:

Defendant denies that Venue is proper in the Corpus Christi Division under 28 U.S.C. §1391(b)(2) based on the allegation within Plaintiff's Original Complaint that all, or a substantial part, of the acts and omissions forming the basis of this suit occurred in Hidalgo County, Texas, which is within the Southern District of Texas. Defendant affirmatively pleads that the proper venue for this action is in the Southern District of Texas, McAllen Division.

1. Defendant does not have enough information to admit or deny; therefore Defendant denies the allegations contained in Paragraph 1.
2. Defendant admits the allegations contained in Paragraph 2.
3. Defendant admits the allegations contained in Paragraph 3.
4. Defendant admits the allegations contained in Paragraph 4.
5. Defendant denies that venue is proper in Corpus Christi Division, but otherwise admits the allegations in Paragraph 5.

6. Defendant admits the allegations contained in Paragraph 6.
7. Defendant denies the allegations contained in Paragraph 7.
8. Defendant does not have enough information to admit or deny; therefore Defendant denies the allegations contained in Paragraph 8.
9. Defendant does not have enough information to admit or deny; therefore Defendant denies the allegations contained in Paragraph 9.
10. Defendant admits the allegations contained in Paragraph 10.
11. Defendant admits the allegations contained in Paragraph 11.
12. Defendant denies the allegations contained in Paragraph 12.
13. Defendant denies the allegations contained in Paragraph 13.
14. Defendant does not have enough information to admit or deny paragraph 14 since this number was omitted in Plaintiff's Original Complaint.
15. Defendant does not have enough information to admit or deny paragraph 15 since this number was omitted in Plaintiff's Original Complaint.
16. Defendant denies the allegations contained in Paragraph 16.
17. Defendant denies the allegations contained in Paragraph 17.
18. Defendant denies that RTAS Transport, LLC is liable for Plaintiff's allegations in Paragraph 18, but admits that Defendant Lionel Simms was acting within the course and scope of his employment with Defendant RTAS Transport LLC at the time the incident occurred.
19. Defendant denies the allegations contained in Paragraph 19.

20. Defendant denies the allegations contained in Paragraph 20.
21. Defendant denies the allegations contained in Paragraph 21.
22. Defendant denies the allegations contained in Paragraph 22.
23. Defendant denies the allegations contained in Paragraph 23.
24. Defendant denies the allegations contained in Paragraph 24.
25. Defendant does not have enough information to admit or deny; therefore Defendant denies the allegations contained in Paragraph 25 (which is erroneously numbered as paragraph 18).
26. Defendant does not have enough information to admit or deny; therefore Defendant denies the allegations contained in Paragraph 26 (which is erroneously numbered as paragraph 19).
27. Defendant does not have enough information to admit or deny; therefore Defendant denies the allegations contained in Paragraph 27 (which is erroneously numbered as paragraph 20).
28. Defendant denies the allegations contained in Paragraph 28 (which is erroneously numbered as paragraph 22).

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WHEREFORE, PREMISES CONSIDERED, Defendant prays Judgment of the Court and for such other and further relief, both general and special, at law and in equity, to which she may be justly entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS
RTAS TRANSPORT, L.L.C. AND
LIONEL SIMMS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been forwarded to the following counsel of record in compliance with the Texas Rules of Civil Procedure on this 12th day of July, 2017.

Via Facsimile: (361) 985-0601

Mr. Russell W. Endsley
THE LAW OFFICES OF THOMAS J. HENRY
521 Star Street
Corpus Christi, Texas 78401

/s/ Larry J. Goldman
LARRY J. GOLDMAN
GREGORY J. PETERSON